

Remarks and Arguments

Claims 10, 19 has been amended to remove multiple dependencies. Accordingly, no new matter is involved.

In the previous office action the examiner objected to the disclosure because the length of the abstract exceed 150 words. As noted above, the abstract has been replaced. Therefore, it is respectfully requested that the Examiner withdraw this objection. Also in the previous office action the Examiner objected to the specification because of an error in a reference numeral on page 6, line 23. As noted above, this has been corrected. Therefore, it is respectfully requested that the Examiner withdraw this objection.

Claim Objections

The examiner points to an error in the claim dependency of claim 10. The dependency of claim 10 has been amended such that it depends from claim 9.

The examiner objects to claims 19 to 21 which are said to repeat a feature recited in claims 17 and 18. The dependency of claim 19 has been amended such that it depends from claim 16.

Claim Rejections – 35 USC § 102

Claims 1 to 21 stand rejected by the examiner under 35 U.S.C § 102(b) as being anticipated by US Patent No. 5,478,316 to *Bitdinger et al.* (“*Bitdinger*”). Specifically, the examiner asserts that, with regard to claim 1, Bitdinger et al. teach an injection device comprising: a housing (Fig. 3 member 12) adapted to receive a syringe (Fig. 3 member 30) having a discharge nozzle and having a boot that covers its discharge nozzle (Figs. 3 and 4 boot 36), so that the syringe is movable between a retracted position in which the discharge nozzle is contained within the housing and an extended position in which the discharged nozzle extends from the housing through an exit aperture (see transition in Figs. 5 and 6); a releasable locking mechanism that retains the syringe in its retracted position (Fig. 3 interaction between 28A and 66B, Col. 5 lines 40-60); and a housing

closure member that can occupy a first position, in which it locates on the housing and prevents the locking mechanism from being released, and a second position, in which it does not prevent the locking mechanism from being released, the first position of the housing closure member being one in which it engages the boot, so that movement of the housing closure member to its second position results in removal of the boot from the syringe (Fig. 4 closure member 16).

With respect to claim 1, it is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he elements must be arranged as required by the claim," see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim," see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejection does not satisfy at least one of these requirements.

In particular, claim 1 recites a releasable locking mechanism that retains the syringe in its retracted position. An embodiment of the releasable locking mechanism consistent with the present invention is described at paragraph 46 of the published application, which states (emphasis added):

"Meanwhile, as can best be seen in FIGS. 4 and 5, the syringe carrier 127, with respect to which the syringe 114 cannot move, is prevented from movement by a resilient latch member 161 that is located within the housing 112 and is biased into a position in which it engages a locking surface 163 of a syringe carrier 127."

"Once the latch member 161 has disengaged from the locking surface 163, the syringe carrier 127 is free to move as required under the influence of the actuator and drive."

Bitdinger fails to disclose a releasable locking mechanism that retains the syringe in its retracted position. The interaction between 28A and 66B of *Bitdinger* to which the examiner refers does not anticipate such a feature. As explained at column 5, lines 40 to 60, feature 28A of *Bitdinger* is a sleeve projection which abuts the second engagement member 66B of the pushbutton. The pushbutton 66 engages the driver 58, thereby preventing movement of the rod/driver assembly under the force of the constant force spring. Once it is pressed against the epidermis, sleeve 28 is moved rearwardly. The movement is sufficient to displace sleeve projection 28A a sufficient distance that it no longer interferes with the downward movement of pushbutton 66.

None of the aforementioned features taught in *Bitdinger* retain the syringe in its retracted position. The interaction between 28A and 66B merely prevents the trigger from being actuated so as to release the rod/driver assembly. Accordingly, it is possible for the syringe to move freely upon application of a suitable force sufficient to overcome sleeve spring 40, such as may be experienced by shaking or dropping the autoinjector, for example, or from removing the cap 16. This movement is problematic, as explained in paragraph 3 of the published application. Although the consequence of the interaction between 28A and 66B is that the syringe is not driven forwards by the rod/driver assembly (which is prevented from actuation), no feature is disclosed in *Bitdinger* which retains the syringe so as to prevent such movement from taking place.

The autoinjector of the present invention provides a releasable locking mechanism that retains the syringe in its retracted position; an element which is not taught by *Bitdinger*. Therefore, the Applicant respectfully submits that for the above reasons claim 1 is patentable over *Bitdinger*.

Claims 2 to 21 stand rejected by the examiner under 35 U.S.C § 102(b) as being anticipated by US Patent No. 5,478,316 to *Bitdinger*. Claims 2 to 21 depend from base claim 1, and thus inherit all the limitations of claim 1. Each of claims 2 to 21 therefore set forth limitations not recited by *Bitdinger* for the reasons given above. Hence

Applicant respectfully asserts for the above reasons claims 2 to 21 are patentable over *Bitdinger*.

Applicant submits that all claims are now fully allowable over the prior art cited by the Examiner. Therefore, Applicants respectfully requests that the Examiner withdraw all rejections to Applicants' claims. In conclusion, Applicant respectfully requests that the Examiner re-examine and favorably reconsider Applicant's claims in the form of a Notice of Allowance.

Respectfully submitted,

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